



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 12473 OF 2025

RAVSAHEB UTTAMRAO JADHAV AND OTHERS

VERSUS

PRABHA GANPATI KENKARE ALIAS PRABHA PRAVIN PAKALWAD AND ORS

...

Advocate for the Petitioner : Mr. Patil h/f. Mr. Bhosle Santosh C.

...

CORAM : ARUN R. PEDNEKER, J.

Dated : October 09, 2025

PER COURT :-

1. The learned counsel for the petitioner submits that the application filed for appointment of court commissioner amount to collection of evidence and the plaintiff had purchased the suit property just three months prior to filing of the suit and there is no evidence to show that the plaintiff is in possession of the entire suit property as mentioned in the sale deed. However, by virtue of the suit, the plaintiff intends to get the property measured in terms of the sale deed. The learned counsel submits that the plaintiff is never in possession of the part of the suit land which is sought to be measured.
2. Considering the submissions made above, issue notice to the respondents, returnable on 21.11.2025. Notice to indicate that if time permits, the matter may be disposed of at admission stage.
3. In addition, the petitioner is permitted to serve the respondents by all private modes i.e. E-mail, RPAD etc. and file service affidavit to that effect before the next date of hearing.
4. Till the next date, there is ad-interim stay to the impugned order. In the event the petitioner fails to serve the respondents, the interim order passed today shall stand vacated automatically.

(ARUN R. PEDNEKER, J.)

SSC/